

REMARKS

Reconsideration of the above-identified patent application in view of the proposed amendment above and the remarks below is respectfully requested.

No claims are proposed to be canceled or added in this paper. Claim 1 is proposed to be amended in this paper. Therefore, claims 1-10 and 15-20 are pending. Of these claims, claims 15-20 have been found by the Patent Office to be “directed to an invention that is independent or distinct from the invention originally claimed” and, therefore, have been “withdrawn from consideration as being directed to a non-elected invention.” Accordingly, claims 1-10 are under active consideration.

Claims 9 and 10 have been allowed.

Claims 1-8 stand rejected under 35 U.S.C. 102(b) “as being anticipated by Iglesias (USPN 3926187).” In support of the rejection, the Patent Office states the following:

Iglesias discloses a tube with a lumen and an anchoring device that is attached to said tube, and an elongated connector member having a lumen extending from a first end of said elongated connector member to second end of said elongated connector member; wherein said elongated member being pivotally mounted to said housing and can be aligned with said tube. (Figures 1, 4 and entire reference)

Applicant respectfully traverses the foregoing rejection. Claim 1, from which claims 2-8 depend, has been amended herein and now recites “[a] device for insertion into a body cavity to selectively transport liquids to and from said body cavity, comprising:

a tube comprising a lumen which traverses from an interior of said body cavity to an exterior of said body cavity, said tube having a first end and a second end, said second end having an enlargement for anchoring said second end of said tube within a body cavity;

an anchoring device that is attached to said first end of said tube, wherein said anchoring device comprises a housing, and an elongated connector member having a lumen extending from a first end of said elongated connector member to a second end of said elongated connector member, said elongated connector member being pivotally mounted to said housing to permit movement between a first position in which said elongated connector member is positioned substantially parallel to said tube to align said lumen of said elongated connecting member with said lumen of said tube to permit transportation of liquids to and from said body cavity and a second position in which said elongated connector member is positioned substantially perpendicular to said tube to prevent alignment of said lumen of said elongated connecting member with said lumen of said tube to prevent transportation of liquids to and from said body cavity.”

Thus amended, claim 1 is neither anticipated by nor rendered obvious over Iglesias for at least the reason that Iglesias does not teach or suggest a device for insertion into a body cavity to selectively transport liquids to and from said body cavity wherein said device comprises, among other things, a tube having a first end and a second end wherein said second end has an enlargement for anchoring said second end of said tube within a body cavity. Instead, Iglesias discloses a tube 10 whose second (i.e., distal) end is straight and, therefore, does not include an enlargement. Presumably, tube 10 of Iglesias does not include an enlargement at its distal end because tube 10 is not a feeding tube, but rather, is a urological bladder evacuator and, as such, need not remain in a patient for an appreciable or extended period of time.

Accordingly, for at least the above reasons, the foregoing rejection should be withdrawn.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

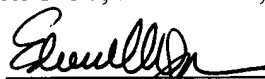
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 29, 2003



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